IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.253 OF 2006.

Mr.Jefrin G. Almeida ... Petitioner.

vs.

State of Maharashtra and others. .... Respondents

Mr.Kamal A. Patel, for Petitioner.

Mr.D.R.More, APP, for Respondent no.1- State.

CORAM: R.S.Mohite, J.

DATED: 16th February, 2006

P.C.:-

1. This is a petition impugning the order passed by the Metropolitan Magistrate 22nd Court, Andheri, Mumbai, refusing to return the vehicle which is used for commission of offence under Section 452, 392, 307, 397, 414, 201 and 34 of the Indian Penal Code. The applicant is a registered owner. He is not a accused in this crime. The main accused in the case is James Almeida. It appears from the record that there was hidden chamber in this vehicle near the right leg

of the Driver which was used for concealing the stolen property. This is an important piece of evidence. A.P.P. states that the photographs of this chamber will be taken and will be produced before the concerned Magistrate within a period of three weeks from today. On placing of such additional material before the Magistrate, liberty is granted to re-apply to the Magistrate under Section 457 of I.P.C. for return of property. The said application would be considered by the Trial Court on its merit keeping in mind the fact that the material relating to the existence of such chamber is on record. With these observations, the application is disposed of.

(R.S.Mohite, J.)